

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \* \* \*

RONALD WHITMIRE,

Plaintiff,

v.

GARY GRAHAM; et al,

Defendants.

3:11-cv-00502-LRH-VPC

ORDER

Before this Court is the Report and Recommendation of U.S. Magistrate Judge Valerie P. Cooke (#37<sup>1</sup>) entered on November 21, 2013, recommending granting Defendant's Motion to Dismiss (#28) filed on July 9, 2013, and denying Plaintiff's Motion for Default Judgment (#32) filed on July 24, 2013. No objection to the Report and Recommendation has been filed. The action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)B and Local Rule 1B 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

The Court has conducted its *de novo* review in this case, has fully considered the pleadings and memoranda of the parties and other relevant matters of record pursuant to 28 U.S.C. § 636 (b) (1) (B) and Local Rule IB 3-2. The Court determines that the Magistrate Judge's Report and Recommendation (#37) entered on November 21, 2013, should be adopted and accepted.

---

<sup>1</sup>Refers to court's docket number.


1 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (#37)  
2 entered on November 21, 2013, is adopted and accepted, and Defendant's Motion to Dismiss (#28) is  
3 GRANTED.

4 IT IS FURTHER ORDERED that defendant NDOC is DISMISSED from this action with  
5 prejudice.

6 IT IS FURTHER ORDERED that Plaintiff's Motion for Default Judgment (#32) is DENIED.

7 IT IS SO ORDERED.

8 DATED this 21st day of January, 2014.

9  
10   
11 LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26